

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**CHRISTOPHER WITHERS, #103135**

**PETITIONER**

**VS.**

**CIVIL ACTION NO. 4:09cv119 TSL-LRA**

**McQUA JONES, Warden**

**RESPONDENT**

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**ORDER**

This cause came on this date to be heard upon the report and recommendation of United States Magistrate Judge Linda R. Anderson, and the court, having fully reviewed the report and recommendation entered in this cause on July 29, 2010, and being duly advised in the premises, finds that said report and recommendation should be adopted as the opinion of this court.

IT IS, THEREFORE, ORDERED that the report and recommendation of United States Magistrate Judge Linda R. Anderson entered on July 29, 2010, be, and the same is hereby adopted as the finding of this court, that the [10] motion to dismiss filed by respondent is granted, and the petition for writ of habeas corpus is hereby dismissed with prejudice.

A separate judgment will be entered herein in accordance with this order as required by Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED this the 19th day of August, 2010.

/s/Tom S. Lee

UNITED STATES DISTRICT JUDGE